

Representative Justin L. Fawson proposes the following substitute bill:

SUICIDE PREVENTION TRAINING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill amends portions of the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act.

Highlighted Provisions:

This bill:

- requires an individual to complete a course in suicide prevention in order to obtain or renew a license under the Utah Medical Practice Act or the Utah Osteopathic Medical Practice Act; and

- ~~H→~~ [allows] requires ←H the division to issue a waiver from the requirements created in this bill for

~~H→~~ [any individual who requests a waiver] certain individuals ←H .

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

58-67-302, as last amended by Laws of Utah 2012, Chapters 162 and 225

58-67-302.5, as last amended by Laws of Utah 2011, Chapter 214



119 (g) produce satisfactory evidence that the applicant meets the requirements of this
120 Subsection (2) to the satisfaction of the division in collaboration with the board.

121 (3) An applicant for licensure by endorsement may engage in the practice of medicine
122 under a temporary license while the applicant's application for licensure is being processed by
123 the division, provided:

124 (a) the applicant submits a complete application required for temporary licensure to the
125 division;

126 (b) the applicant submits a written document to the division from:

127 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
128 Licensing and Inspection Act, stating that the applicant is practicing under the:

129 (A) invitation of the health care facility; and

130 (B) the general supervision of a physician practicing at the facility; or

131 (ii) two individuals licensed under this chapter, whose license is in good standing and
132 who practice in the same clinical location, both stating that:

133 (A) the applicant is practicing under the invitation and general supervision of the
134 individual; and

135 (B) the applicant will practice at the same clinical location as the individual;

136 (c) the applicant submits a signed certification to the division that the applicant meets
137 the requirements of Subsection (2);

138 (d) the applicant does not engage in the practice of medicine until the division has
139 issued a temporary license;

140 (e) the temporary license is only issued for and may not be extended or renewed
141 beyond the duration of one year from issuance; and

142 (f) the temporary license expires immediately and prior to the expiration of one year
143 from issuance, upon notification from the division that the applicant's application for licensure
144 by endorsement is denied.

145 (4) The division shall issue a temporary license under Subsection (3) within 15
146 business days after the applicant satisfies the requirements of Subsection (3).

147 (5) The division may not require a post-residency board certification as a requirement
148 for licensure.

149 (6) The division ~~shall~~ **may** ~~shall~~ issue a waiver from the requirement in
149a Subsection (1)(k) to any

150 individual who ~~is~~ **certifies that the individual has completed suicide**
 150a **prevention training that is appropriate to the individual's specialty** .

151 Section 2. Section **58-67-302.5** is amended to read:

152 **58-67-302.5. Licensing of graduates of foreign medical schools.**

153 (1) Notwithstanding any other provision of law to the contrary, an individual enrolled
 154 in a medical school outside the United States, its territories, the District of Columbia, or
 155 Canada is eligible for licensure as a physician and surgeon in this state if the individual has
 156 satisfied the following requirements:

157 (a) meets all the requirements of Subsection 58-67-302(1), except for Subsection
 158 58-67-302(1)(d);

159 (b) has studied medicine in a medical school located outside the United States which is
 160 recognized by an organization approved by the division;

161 (c) has completed all of the formal requirements of the foreign medical school except
 162 internship or social service;

163 (d) has attained a passing score on the educational commission for foreign medical
 164 graduates examination or other qualifying examinations such as the United States Medical
 165 Licensing Exam parts I and II, which are approved by the division or a medical school
 166 approved by the division;

167 (e) has satisfactorily completed one calendar year of supervised clinical training under
 168 the direction of a United States medical education setting accredited by the liaison committee
 169 for graduate medical education and approved by the division;

170 (f) has completed the postgraduate hospital training required by Subsection
 171 58-67-302(1)(e)(i); ~~and~~

172 (g) has passed the examination required by the division of all applicants for
 173 licensure~~[-]; and~~

174 (h) has completed a minimum of two hours of training in suicide prevention via a
 175 course approved by the division.

176 (2) Satisfaction of the requirements of Subsection (1) is in lieu of:

177 (a) the completion of any foreign internship or social service requirements; and

178 (b) the certification required by Subsection 58-67-302(1)(d)(ii).

179 (3) Individuals who satisfy the requirements of Subsections (1)(a) through (f) shall be
 180 eligible for admission to graduate medical education programs within the state, including

181 internships and residencies, which are accredited by the liaison committee for graduate medical
182 education.

183 (4) A document issued by a medical school located outside the United States shall be
184 considered the equivalent of a degree of doctor of medicine for the purpose of licensure as a
185 physician and surgeon in this state if:

186 (a) the foreign medical school is recognized by an organization approved by the
187 division;

188 (b) the document granted by the foreign medical school is issued after the completion
189 of all formal requirements of the medical school except internship or social service; and

190 (c) the foreign medical school certifies that the person to whom the document was
191 issued has satisfactorily completed the requirements of Subsection (1)(c).

192 (5) The provisions for licensure under this section shall be known as the "fifth pathway
193 program."

194 (6) The division ~~shall~~ **may** ~~shall~~ issue a waiver from the requirement in
194a Subsection (1)(h) to any
195 individual who ~~requests a waiver~~ **certifies that the individual has completed suicide**
195a **prevention training that is appropriate to the individual's specialty** .

196 Section 3. Section **58-67-302.8 (Effective 07/01/18)** is amended to read:

197 **58-67-302.8 (Effective 07/01/18). Restricted licensing of an associate physician.**

198 (1) An individual may apply for a restricted license as an associate physician if the
199 individual:

200 (a) meets the requirements described in Subsections 58-67-302(1)(a) through (c),
201 (1)(d)(i), and (1)(g) through ~~(j)~~ (k);

202 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
203 Examination or the equivalent steps of another board-approved medical licensing examination:

204 (i) within three years after the day on which the applicant graduates from a program
205 described in Subsection 58-67-302(1)(d)(i); and

206 (ii) within two years before applying for a restricted license as an associate physician;
207 and

208 (c) is not currently enrolled in and has not completed a residency program.

209 (2) Before a licensed associate physician may engage in the practice of medicine as
210 described in Subsection (3), the licensed associate physician shall:

211 (a) enter into a collaborative practice arrangement described in Section 58-67-807

212 within six months after the associate physician's initial licensure; and

213 (b) receive division approval of the collaborative practice arrangement.

214 (3) An associate physician's scope of practice is limited to primary care services to
215 medically underserved populations or in medically underserved areas within the state.

216 (4) The division ~~may~~ **shall** issue a waiver from the requirement in Subsection
217 58-67-302(1)(k) to any individual who ~~requests a waiver~~ **certifies that the individual has**
217a **completed suicide prevention training that is appropriate to the individual's specialty** .

218 Section 4. Section **58-67-304 (Superseded 07/01/18)** is amended to read:

219 **58-67-304 (Superseded 07/01/18). License renewal requirements.**

220 (1) As a condition precedent for license renewal, each licensee shall, during each
221 two-year licensure cycle or other cycle defined by division rule:

222 (a) complete qualified continuing professional education requirements in accordance
223 with the number of hours and standards defined by division rule made in collaboration with the
224 board;

225 (b) appoint a contact person for access to medical records and an alternate contact
226 person for access to medical records in accordance with Subsection 58-67-302(1)(i); and

227 (c) if the licensee practices medicine in a location with no other persons licensed under
228 this chapter, provide some method of notice to the licensee's patients of the identity and
229 location of the contact person and alternate contact person for the licensee.

230 (2) If a renewal period is extended or shortened under Section 58-67-303, the
231 continuing education hours required for license renewal under this section are increased or
232 decreased proportionally.

233 (3) An application to renew a license under this chapter shall:

234 (a) require a physician to answer the following question: "Do you perform elective
235 abortions in Utah in a location other than a hospital?"; and

236 (b) immediately following the question, contain the following statement: "For purposes
237 of the immediately preceding question, elective abortion means an abortion other than one of
238 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
239 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
240 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
241 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
242 the woman is pregnant as a result of rape or incest."

243 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
 244 to the licensing of an abortion clinic, if a physician responds positively to the question
 245 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
 246 renews the physician's license under this chapter, inform the Department of Health in writing:

247 (a) of the name and business address of the physician; and

248 (b) that the physician responded positively to the question described in Subsection
 249 (3)(a).

250 (5) (a) The continuing professional education requirements described in Subsection
 251 (1)(a) shall include a minimum of two hours of training in suicide prevention via a course
 252 approved by the division.

253 (b) The division ~~shall~~ **may** ~~shall~~ issue a waiver from the requirement in
 253a Subsection (5)(a) to any
 254 individual who ~~requests a waiver~~ **certifies that the individual has completed suicide**
 254a **prevention training that is appropriate to the individual's specialty** .

255 Section 5. Section **58-67-304 (Effective 07/01/18)** is amended to read:

256 **58-67-304 (Effective 07/01/18). License renewal requirements.**

257 (1) As a condition precedent for license renewal, each licensee shall, during each
 258 two-year licensure cycle or other cycle defined by division rule:

259 (a) complete qualified continuing professional education requirements in accordance
 260 with the number of hours and standards defined by division rule made in collaboration with the
 261 board;

262 (b) appoint a contact person for access to medical records and an alternate contact
 263 person for access to medical records in accordance with Subsection 58-67-302(1)(i);

264 (c) if the licensee practices medicine in a location with no other persons licensed under
 265 this chapter, provide some method of notice to the licensee's patients of the identity and
 266 location of the contact person and alternate contact person for the licensee; and

267 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
 268 successfully complete the educational methods and programs described in Subsection
 269 58-67-807(4).

270 (2) If a renewal period is extended or shortened under Section 58-67-303, the
 271 continuing education hours required for license renewal under this section are increased or
 272 decreased proportionally.

273 (3) An application to renew a license under this chapter shall:

274 (a) require a physician to answer the following question: "Do you perform elective
275 abortions in Utah in a location other than a hospital?"; and

276 (b) immediately following the question, contain the following statement: "For purposes
277 of the immediately preceding question, elective abortion means an abortion other than one of
278 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
279 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
280 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
281 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
282 the woman is pregnant as a result of rape or incest."

283 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
284 to the licensing of an abortion clinic, if a physician responds positively to the question
285 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
286 renews the physician's license under this chapter, inform the Department of Health in writing:

287 (a) of the name and business address of the physician; and

288 (b) that the physician responded positively to the question described in Subsection
289 (3)(a).

290 (5) (a) The continuing professional education requirements described in Subsection
291 (1)(a) shall include a minimum of two hours of training in suicide prevention via a course
292 approved by the division.

293 (b) The division ~~H~~→ [may] shall ←~~H~~ issue a waiver from the requirement in
293a Subsection (5)(a) to any
294 individual who ~~H~~→ [requests a waiver] certifies that the individual has completed suicide
294a prevention training that is appropriate to the individual's specialty ←~~H~~ .

295 Section 6. Section **58-68-302** is amended to read:

296 **58-68-302. Qualifications for licensure.**

297 (1) ~~[An]~~ Except as provided in Subsection (2), an applicant for licensure as an
298 osteopathic physician and surgeon~~[, except as set forth in Subsection (2);]~~ shall:

299 (a) submit an application in a form prescribed by the division, which may include:

300 (i) submissions by the applicant of information maintained by practitioner data banks,
301 as designated by division rule, with respect to the applicant;

302 (ii) a record of professional liability claims made against the applicant and settlements
303 paid by or on behalf of the applicant; and

304 (iii) authorization to use a record coordination and verification service approved by the

398 (d) the applicant does not engage in the practice of medicine until the division has
399 issued a temporary license;

400 (e) the temporary license is only issued for and may not be extended or renewed
401 beyond the duration of one year from issuance; and

402 (f) the temporary license expires immediately and prior to the expiration of one year
403 from issuance, upon notification from the division that the applicant's application for licensure
404 by endorsement is denied.

405 (4) The division shall issue a temporary license under Subsection (3) within 15
406 business days after the applicant satisfies the requirements of Subsection (3).

407 (5) The division may not require a post-residency board certification as a requirement
408 for licensure.

409 (6) The division ~~H~~→ [may] shall ←~~H~~ issue a waiver from the requirement in
409a Subsection (1)(k) to any
410 individual who ~~H~~→ [requests a waiver] certifies that the individual has completed suicide
410a prevention training that is appropriate to the individual's specialty ←~~H~~ .

411 Section 7. Section **58-68-302.5 (Effective 07/01/18)** is amended to read:

412 **58-68-302.5 (Effective 07/01/18). Restricted licensing of an associate physician.**

413 (1) An individual may apply for a restricted license as an associate physician if the
414 individual:

415 (a) meets the requirements described in Subsections 58-68-302(1)(a) through (c),
416 (1)(d)(i), and (1)(g) through [(j)] (k);

417 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
418 Examination or the equivalent steps of another board-approved medical licensing examination:

419 (i) within three years after the day on which the applicant graduates from a program
420 described in Subsection 58-68-302(1)(d)(i); and

421 (ii) within two years before applying for a restricted license as an associate physician;
422 and

423 (c) is not currently enrolled in and has not completed a residency program.

424 (2) Before a licensed associate physician may engage in the practice of medicine as
425 described in Subsection (3), the licensed associate physician shall:

426 (a) enter into a collaborative practice arrangement described in Section 58-68-807
427 within six months after the associate physician's initial licensure; and

428 (b) receive division approval of the collaborative practice arrangement.

460 renews the physician's license under this chapter, inform the Department of Health in writing:

461 (a) of the name and business address of the physician; and

462 (b) that the physician responded positively to the question described in Subsection

463 (3)(a).

464 (5) (a) The continuing professional education requirements described in Subsection

465 (1)(a) shall include a minimum of two hours of training in suicide prevention via a course

466 approved by the division.

467 (b) The division ~~H~~→ [may] shall ←~~H~~ issue a waiver from the requirement in

467a Subsection (5)(a) to any

468 individual who ~~H~~→ [requests a waiver] certifies that the individual has completed suicide

468a prevention training that is appropriate to the individual's specialty ←~~H~~ .

469 Section 9. Section **58-68-304 (Effective 07/01/18)** is amended to read:

470 **58-68-304 (Effective 07/01/18). License renewal requirements.**

471 (1) As a condition precedent for license renewal, each licensee shall, during each

472 two-year licensure cycle or other cycle defined by division rule:

473 (a) complete qualified continuing professional education requirements in accordance

474 with the number of hours and standards defined by division rule in collaboration with the

475 board;

476 (b) appoint a contact person for access to medical records and an alternate contact

477 person for access to medical records in accordance with Subsection 58-68-302(1)(i);

478 (c) if the licensee practices osteopathic medicine in a location with no other persons

479 licensed under this chapter, provide some method of notice to the licensee's patients of the

480 identity and location of the contact person and alternate contact person for access to medical

481 records for the licensee in accordance with Subsection 58-68-302(1)(j); and

482 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,

483 successfully complete the educational methods and programs described in Subsection

484 58-68-807(4).

485 (2) If a renewal period is extended or shortened under Section 58-68-303, the

486 continuing education hours required for license renewal under this section are increased or

487 decreased proportionally.

488 (3) An application to renew a license under this chapter shall:

489 (a) require a physician to answer the following question: "Do you perform elective

490 abortions in Utah in a location other than a hospital?"; and

491 (b) immediately following the question, contain the following statement: "For purposes
 492 of the immediately preceding question, elective abortion means an abortion other than one of
 493 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
 494 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
 495 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
 496 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
 497 the woman is pregnant as a result of rape or incest."

498 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
 499 to the licensing of an abortion clinic, if a physician responds positively to the question
 500 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
 501 renews the physician's license under this chapter, inform the Department of Health in writing:

502 (a) of the name and business address of the physician; and

503 (b) that the physician responded positively to the question described in Subsection
 504 (3)(a).

505 (5) (a) The continuing professional education requirements described in Subsection
 506 (1)(a) shall include a minimum of two hours of training in suicide prevention via a course
 507 approved by the division.

508 (b) The division ~~may~~ shall issue a waiver from the requirement in
 508a Subsection (5)(a) to any
 509 individual who ~~may~~ requests a waiver certifies that the individual has completed suicide
 509a prevention training that is appropriate to the individual's specialty .

510 Section 10. **Effective date.**

511 (1) Except as provided in Subsection (2), this bill takes effect on May 8, 2018.

512 (2) The actions affecting the following sections take effect on July 1, 2018:

513 (a) Section 58-67-302.8 (Effective 07/01/18);

514 (b) Section 58-67-304 (Effective 07/01/18);

515 (c) Section 58-68-302.5 (Effective 07/01/18); and

516 (d) Section 58-68-304 (Effective 07/01/18).